

Serial No. 08/887,847

BAY-210

D3
Cont'd

from a group consisting of lycra, wood pulp, cotton, polypropylene, polyester and rayon.

Rule 126

40
--29. The liner according to claim 29, wherein said nonwoven material includes at least one material selected from a group consisting of lycra, wood pulp, cotton, polypropylene, polyester and rayon.

REMARKS

Claims 7, 10 and 13 have been canceled without prejudice or disclaimer. Claims 1, 19, 20 and 21 have been amended and new claims 27-*40*39 have been added. Accordingly, claims 1-5, 8, 11 and 14-39 are currently pending in the application.

The title of the invention has been amended into a more descriptive form.

Claims 1 and 19 stand rejected under 35 U.S.C. §103 as being unpatentable over Ogden, U.S. Patent No. 5,727,336. This rejection is traversed as follows.

Claim 1 has been amended to incorporate the limitation of claim 7 which is indicated as being allowable. It is submitted that this claim is also patentable over art newly cited in an Information Disclosure Statement filed October 12, 2001. None of those references disclose a moisture transfer system as recited in the pending claims.

In addition, claim 19 recites the arrangement of layers forming the liner as well as the direction of moisture vapor

Serial No. 08/887,847

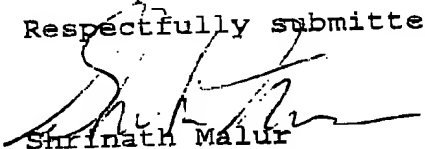
BAY-210

transfer performed by the liner. It is submitted that this amendment is sufficient to distinguish claim 19 from Ogden or any of the references cited in the Information Disclosure Statement filed October 12, 2001.

Applicant requests that the Examiner closely consider the arrangement of layers taught by Ogden and their associated purpose, namely slip resistance. Unlike Ogden's disclosure, claim 19 recites a liner having an inner moisture vapor transfer layer, a foam material position adjacent to this inner moisture vapor transfer layer and a non-woven material positioned adjacent to the foam material. The moisture vapor transfer characteristic of this liner is also recited.

In view of the foregoing amendments and remarks, Applicant contends that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Respectfully submitted,



Shrinath Malur
Registration No. 34,663
Attorney for Applicant

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: November 19, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner of Patents and Trademarks,
Washington, D.C. 20231

on Nov 19 2001 by [Signature]

Serial No. 08/887,847

BAY-210

MARKED UP VERSION OF REWRITTEN CLAIMS

1. (Amended) A moisture transfer system comprising a plurality of layers arranged to transfer moisture in a predetermined direction, the moisture transfer system comprising:

an inner fabric layer;

an outer fabric layer positioned relative to the inner fabric layer in the direction of moisture flow, wherein moisture flows from the inner fabric layer through any intermediate layers and then through the outer fabric layer; and

at least one foam material positioned between the inner fabric layer and the outer fabric layer, the foam material being an open-cell foam and being backed by a non-woven top sheet such that moisture is transferred from the inner fabric layer through the foam material and subsequently through the non-woven top sheet. [and]

wherein the outer fabric layer is treated to have waterproof/breathable characteristics; and

wherein the foam material is an antimicrobial, germicidal, hydrophilic open-cell foam that is backed by a nonwoven top sheet.

Serial No. 08/887,847

BAY-210

19. (Amended) A liner comprising a plurality of layers arranged to transfer moisture vapor in a predetermined direction, the liner comprising:

an inner [fabric] moisture vapor transfer layer; and

a foam material positioned adjacent to and in contact with the inner [fabric] moisture vapor transfer layer, the foam material being [either] an [antimicrobial, hydrophilic] open-cell foam [or an antimicrobial, germicidal reticulated foam, each being backed by a nonwoven top sheet];

a nonwoven material positioned adjacent to and in contact with the foam material,

wherein said functions such that moisture vapor passes from the inner moisture vapor transfer layer, through the foam material and thereafter through the nonwoven material.

20. (Amended) The liner according to claim 19, further comprising an outer fabric layer positioned relative to the inner [fabric] moisture vapor transfer layer in the direction of moisture flow, wherein moisture flows from the inner [fabric] moisture vapor transfer layer through the foam material and then through the outer fabric layer.

21. The liner according to claim 19, wherein a wetting agent is applied to the inner [fabric] moisture vapor transfer layer in order to increase moisture transfer.